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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/852,383

05/10/2001

Hiroshi Mori

AD6588 US CNT

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04/25/2003

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 04/25/2003

/c

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

☒ Responsive to communication(s) filed on Jan 28, 2003 (paper no 9)

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-17, 28, 29 and 32-36 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-17, 28, 29 and 32-36 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: ~~1761~~ 1711

1. A response (paper no. 9) has been filed on January 28, 2003.

Claims under examination are still 1-17, 28, 29 and 32-36.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-17, 28, 29 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (USP 3406223) in view of Fukumoto et al (USP 5603927) and Shinohara et al (USP 5866671).

Please refer to item 5, prior office action, paper no. 7 for this rejection.

4. Applicant's arguments filed January 28, 2003 (paper no. 9) have been fully considered but they are not persuasive.

Applicants' argument that "Gibbs discloses the use of amino compounds not to reduce formaldehyde odor" (page 1 of above paper no. 9) is not persuasive because it is quite likely that Gibbs' use of amino compounds reduces the formaldehyde odor as well as improves hydrolytic stability. Please note that Gibbs composition reads on the instantly claimed composition.

While tertiary butylamine of Gibbs, as the applicants state, may not be suitable for instant invention, there are few other amines of Gibbs (in col. 2, lines 58-67) which may be suitable. Furthermore it is the compounds of Fukumoto (not of Gibbs) that are considered by the examiner to be more suitable for removing formaldehyde odor.

Fukumoto teaches pkb of 9.4 or more. This is outside the claimed range of 2-8. It is the examiner's position that is within the expertise of one to vary this value in order to produce desired end product/composition and that the applicants have not established criticality of the claimed range viz 2-8.

Applicants' argument (on page 2) that "instant invention does not use an acid salt" is not understood. What is an acid salt? A salt is formed from an acid and a base. How is an "acid salt" different from a "salt"?

Applicants' next argument that "Fukumoto removes odors such as tobacco in vapor phase" is not persuasive since Fukumoto in col. 6, lines 2-3 removes aldehydes which includes formaldehyde.

Applicants' comment that "Fukumoto and Shinohara do not disclose removal of superpolyamide of Gibbs" is true but not relevant since Fukumoto does not have to disclose such removal.

Applicants' argument about Shinohara that "the mechanism of removal of formaldehyde by Shinohara is different from the one in instant invention" is also not persuasive since none of the instant claims encompass any limitation/s based on mechanism.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Art Unit: 1761

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U. K. Rajguru/mn  
April 22, 2003

UKR



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